

BRIEF ON ENVIRONMENT **POLICY AND LEGAL FRAMEWORK**

Pakistan's Environmental Policy is based on participatory approach to achieving objectives of sustainable development through legally, administratively and technically sound institutions. The Pakistan Environmental Protection Act was enacted on 6th December 1997 to provide for the protection, conservation, rehabilitation and improvement of environment, for the prevention and control of pollution, and promotion of sustainable development. The Act particularly focuses on implementation of Council's policies, delegation of powers to government agencies, enforcement of national Environmental Quality Standards, introduction of EIA/IEE review procedures/system, regulatory regime for hazardous substances/wastes, resource generation through establishment of Provincial Sustainable Development Fund an levy of Pollution Charge and providing appellant forum for environmental cases.

Operationalization of Act

Soon after the enactment of new law, Ministry of Environment, Local Government and Rural Development set its priorities to operationalize its provisions. The following series of actions were taken.

Drafting and notifying rules and regulations under section 31 and 33

The following rules and regulations are in place:

- i) National Environmental Quality Standards (Self-monitoring and Reporting by Industries) Rules, 2001.
- ii) Environmental Samples Rules, 2001.
- iii) Provincial Sustainable Development Fund Board (Procedure) Rules, 2001.
- iv) Pollution Charge for Industry (Calculation and Collection) Rules, 2001.
- v) National Environmental quality Standards (Environmental Laboratories Certification) Regulations, 2000.
- vi) Pakistan Environmental Protection Agency (Review of IEE/EIA) Regulations, 2000.
- vii) National Biosafety Rules, 2005
- viii) Hospital Waste Management Rules, 2005

The following rules/regulations are being notified:

- i) Provincial Sustainable Development Fund (Utilization) Rules, 2002.
- ii) Composition of Offences and Payment of Administrative Penalty Rules 2002.
- iii) Hazardous Substances Rules, 2002.

Delegation of Powers to Provincial Governments under section 26

Ministry of Environment, Local Government and Rural Development had delegated functions and powers of it and the Federal Environmental Protection Agency under section 26 of the Act to the Provincial governments. The Provincial Governments have further delegated these powers and functions to Environmental Protection Agencies and also planning to sub-delegate selected powers to the local government.

Establishment of Environmental Tribunals under section 20

The Federal Government has established two Environmental Tribunals one each in Karachi and Lahore. The Karachi Tribunal has jurisdiction over the Sindh and Balochistan provinces while Lahore Tribunal covers Punjab and new Provinces. It is intended to establish three more Tribunals so as to have independent Tribunal in each province and at the federal capital.

Designation of Environmental Magistrates under section 24

The Federal and Provincial governments have designated senior civil judges as Environmental Magistrates to take all contraventions punishable in respect of handling of hazardous substances and pollution caused by motor vehicles.

Certification of Environmental Laboratory under section 6(1)(k)

An Environmental Laboratory Certification Regulation 2000 has been notified whereby a network of ethnically sound laboratories is being established through out the country. The certified laboratories will be authorized to test environmental samples and assist public and private sector to get their levels of emissions tested.

Establishment of Sustainable Development Board/Fund

The Governments of Punjab, NWFP and Balochistan have reported establishment of Sustainable Development Board/Fund under section 9 and 10 of the Act. The Governors of NWFP and Balochistan have approved grant of Rs. 5.0 million for the Sustainable Development Fund in their respective province.

Institutional Setup

The Ministry of Environment, Local Government and Rural Development, which was earlier named as Ministry of Environment, Forestry and Wildlife, established in a 1994. A Federal Minister heads the Ministry while the Secretary holds the administrative charge. Additional Secretary is responsible for different sections dealing with environment, forestry, local government and urban affairs. A National Conservation Unit is responsible for coordination of implementation of the country's Conservation Strategy. The Local Government Wing of the Ministry comprises of Local government and Rural Development sections. The Local Government deals with the matters pertaining to new local government system introduced on 14th August 2001. The Rural Development side deals with the infrastructure development programmes primarily in rural areas such as Khushhal Pakistan and donor assisted rural access roads projects. Ministry has a web site <http://www.environment.gov.pk> which contains useful information about its charter, legislation, programmes, news/events and implementation status of international conventions and protocols.

Pakistan Environmental Protection Council

The Pakistan Environmental Protection Council (PEPC) was first constituted in 1984 under section 3 of the Pakistan Environmental Protection Ordinance, 1983 with President of Pakistan as its Chairman. In 1994, an amendment was made in the Ordinance to provide for the Prime Minister or his nominee to be the head of the Council. The Council was reconstituted after enactment of the new law i.e. Pakistan Environmental Act 1997. Pakistan Environmental Protection Council is an apex statutory body. The Chief executive is the Chairperson of the Council and the Feral Minister for Environment, Local Government and Rural Development as its Vice Chairperson and Governors of all the provinces are its members besides others. The council is represented by trade and industry, leading NGOs, educational intuitions, experts journalists and concerned ministries.

Functions of Council

The Major functions of the Council include:

- Coordinate and supervise enforcement of the Pakistan Environmental Protection Act
- Approve comprehensive national environmental policies and ensure their implementation within framework of a national conservation strategy as may be approved by the federal Government from time to time;
- Approve the National Environmental Quality Standards;
- Provide guidelines for the protection and conservation of species, habitats and biodiversity in general and for conservation of renewable and non-renewable resources;
- Coordinate integration of the principles and concerns of sustainable development into national development plans and policies,
- Consider the national environment report and give appropriate directions thereof.

Pakistan Environmental Protection Agency (Pak-EPA)

Pakistan Environmental Protection agency was created with thin staff and meager resources under the 1983 Ordinance. This department is responsible for pollution control and. After enactment of 1997 act, the functions and responsibilities of the department enhanced and this department was strengthened technically and logistically to met the environmental challenges. Pak-EPA also provide technical support to the Ministry of Environment.

Provincial Environmental Protection Agencies.

In all four provinces, Environmental Protection Agencies were created under the provision of Pakistan Environmental Protection Act, 1997. Federal Government have delegated its powers to the provincial governments and they have further delegated powers to the provincial Environmental Protection Agencies.

District Governments.

The provincial Environmental Protection Agencies are further delegating its some specific powers to the district governments as a part of Federal Government's plan of devolution of powers at District level.

Basic Environmental Facts /Issues.

Pakistan is basically an agricultural country with a population of 138 million, 65% of which lives in the rural areas. Literacy rate is approximately 30%. Access of rural population to safe drinking water is 48% while only 23% rural population has sanitation facilities. Agriculture, the largest economic sector, contributes 25% to GDP. Out of a reported area of 59.32 million hectares, only 21.92 million hectares is cultivated while 24.62 million hectares is not available for cultivation due to one or the other reasons. Excessive use of fertilizer, pesticides and aerial spray leads to serious environmental and health problems for rural community and wildlife. Development schemes like construction of roads, electrification, setting up of industry and sometimes mega projects like construction of dams and oil and gas exploration not only cause environmental degradation but also uproot rural community.

According to a study conducted by Brandon of World Bank in 1992-1993 and later updated by Mathew in 1997, the environmental cost to Pakistan economy in six sectors was estimated as US \$ 1.8 billion. The cost to economy in terms of urban air pollution was estimated US \$ 369 million per year. This cost was associated with expenditures on health, economic and production loss due to absentees in factories, offices and schools. Other main issues are as under: -

- DEGRADATION OF SOIL AND LAND
- URBAN GROWTH ON RURAL LAND
- EXCESSIVE USE OF PESTICIDES AND CHEMICAL FERTILIZERS
- INDOOR AIR POLLUTION
- HUMAN SETTLEMENT
- OVER GRAZING
- INFANT MORTALITY
- EXCESSIVE PUMPING OF GROUND WATER